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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

KENNETH CARRETHERS

Plaintiff,

v.

BAY AREA RAPID TRANSIT, J.  
MEHSERLE, F. GUANZON, K. SMITH, D.  
HORNER, R. HANEY and DOES 1-25,  
inclusive.

Defendants.

Case No.: 3:09-cv-01101-EMC

**DEFENDANTS' FINAL WITNESS LIST**

Judge: Hon. Edward M. Chen  
Trial: November 21, 2011

Pursuant to the Court's November 14, 2011 Final Pretrial Conference Order, the  
defendants respectfully submit their final, updated witness list for trial below.

DATED: November 18, 2011

**LOW BALL & LYNCH**

By: s/ Dirk D. Larsen  
DALE ALLEN  
DIRK LARSEN  
Attorneys for Defendants

**Defendant's Updated, Final Witness List**

#	Witness	Substance of Testimony	Length of Examination (Direct & Cross)	BLANK for Court Use
1	Johannes Mehserle	Mehserle will testify re: the subject incident, including the amount of force used against Plaintiff and the basis for that force.	2 hours	
2	BART Officer Horner	Horner will testify re: the subject incident, including the amount of force used against Plaintiff and the basis for that force.	2 hours	
3	BART Officer Haney	Haney will testify re: the subject incident, including the amount of force used against Plaintiff and the basis for that force.	2 hours	
4	BART Officer Guanzon	Guanzon will testify re: the subject incident, including the amount of force used against Plaintiff and the basis for that force.	2 hours	
5	BART Sgt. Smith	Smith will testify re: the subject incident, including the amount of force used against Plaintiff and the basis for that force.	2 hours	
6	Lila Dinkins	Dinkins will testify re: the subject incident, including the force used against Plaintiff, the basis for that force, and Plaintiff resisting arrest.	1.5 hours	
7	Heath Cunningham	Cunningham will testify re: the subject incident, including Plaintiff resisting arrest.	1.5 hours	
8	Jeffrey Martin	Martin, a retained expert witness, will testify re: Plaintiff's arrest and the use of force against him, and whether individual Defendants' conduct met standard police practices and procedures.  Martin will testify that all officers possessed probable	3 hours	

		<p>cause to arrest Plaintiff and that all officers used reasonable force in arresting Plaintiff.</p> <p>Among other things, Martin's opinion is based upon case-related documents (including Complaint, deposition transcripts, and police reports), BART General Orders, and POST Learning Domains.</p> <p>Per the Court's Pretrial Order, a copy of Martin's CV and reports are attached as "Appendix D."</p>		
9	BART Sgt. Eugene Wong	Wong, a non-retained expert witness, will testify re: the manner and means of the individual Defendants' training on use-of-force.	2 hours	
10	BART Sgt. David Chlebowski	Chlebowski will testify re: Carrethers' Internal Affairs complaint re: the subject incident, a complaint which Carrethers opened but never pursued.	1 hour	
11	Alameda Deputy District Attorney Robert Hartman	Hartman will testify as to the dismissal of Carrethers' criminal complaint re: the subject incident, including whether he believed Carrethers to be innocent of the alleged charges.	1 hour	
12	BART Officer Ichimaru	Ichimaru will testify re: the transportation of Plaintiff to the hospital.	1 hour	